REMARKS

The Examiner's action dated May 6, 2004, has been received, and its contents carefully noted.

In response to the objection presented in section 1 on page 2 of the Action, the Specification has been corrected.

The objection presented in section 2 of the Action is respectfully traversed. The Examiner is correct that claim 3 is a multiple dependent claim. In support of objection, the Examiner cites MPEP Section 608.01(n). That section of the Manual cites 37 CFR 1.75, which states that multiple dependent claims are permissible. The only limitation is that a multiple dependent claim cannot serve as a basis for any other multiple dependent claim. In the present case, claim 3 does not serve as a basis for any other multiple dependent claim and does not depend from a multiple dependent claim. Therefore, the reason for the objection is not understood and it is requested that this objection be withdrawn.

In response to the prior art rejection presented in section 4 of the Action, claim 1 has been amended to more clearly define the contribution of the invention over the prior art.

Specifically, in the operation of a transceiver according to the present invention, a plurality of frequencies is scanned in a predetermined order and the scanning operation is halted whenever the user presses a push-to-talk button. The frequency that was being scanned at this time is used as the transmitting frequency. Because the predetermined frequencies are scanned at a relatively high rate, the result will be that a different carrier frequency is used each time a transmitting and receiving operation is performed. Specification, page 6, lines 6-9. As a result, it becomes more difficult to illegally tap the communication. Specification, page 6, lines 10-12.

Such a mode of operation is not disclosed in the applied references. In particular, Englert discloses a transceiver whose operation is such that whenever a push-to-talk button is depressed and activity has not been detected on the channel currently being used, the system will transmit over a predetermined priority channel. If activity has occurred on the channel currently being used, the system will transmit over that channel. Specification, column 3, lines 41-44 and column 3, line 65 to column 4, line 8. Thus, in the operation of the Englert transceiver, the channel, or carrier frequency, selected is not determined by the instant at which the push-to-talk button is pressed and since communication

will normally occur over a predetermined priority channel, the Englert transceiver does not prevent illegal tapping of a conversation as well as does the transceiver according to the present invention.

The secondary reference, Flynn, also does not disclose the above-described novel feature according to the invention.

Therefore, in order to more clearly define the contribution of the invention over the prior art, claim 1 has been amended to define means for stopping the scanning operation of the plurality of frequencies stored in the memory unit when a sender depresses a PTT switch, whereby different carrier frequencies are used for successive transmitting operations. It is clear from the present Specification that the recited means are part of CPU memory 5, which is connected to a switch 4 and which produces the succession of frequencies. Further support for the amendments to claim 1 will be found in the Specification at page 5, line 27 to page 6, line 17.

In view of the foregoing, it is requested that the prior art rejection presented in the last Action be reconsidered and withdrawn, that claims 1-4 be allowed and that the Application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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